

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Eduardo Diaz Del Rio Perez

Docket No.

576391-2003

Serial No.

10/553,663

Filing Date

04/16/2004

Examiner

NA

Group Art Unit

NA

Invention:

RECEIVED

30 OCT 2007

I hereby certify that the following correspondence:

Assignee's Renewed Petition; Declaration (37 CFR 1.47(b) by Assignee; Supplemental Declaration (McConoughey)  
Pet. EOT (4 mo. small); Credit Card Payment Form; and Receipt Acknowledgement Postcard

Legal Staff  
International Division

(Identify type of correspondence)

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37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

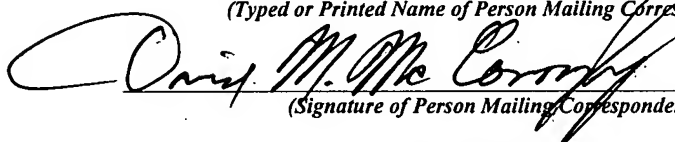
Oct 30, 2007

(Date)

OFFICE OF PCT LEGAL ADMINISTRATION  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450

David M. McConoughey

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

EB 358984261 US

("Express Mail" Mailing Label Number)

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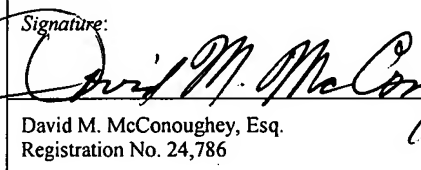
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,663	04/16/2004	DIAZ DEL RIO PEREZ, Ed.	576391-2003	3780

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Commissioner for Patents  
Office of PCT Legal  
Administration  
P.O. Box 1450  
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EXAMINER	
N.A.	
ART UNIT	PAPER NUMBER
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Signature: 
David M. McConoughey, Esq. Registration No. 24,786
Express Mail Label No. <b>EB358984261US</b>

**ASSIGNEE'S RENEWED PETITION  
PURSUANT TO  
35 U.S.C. § 118 AND 37 C.F.R. § 1.47(b)**

## ASSIGNEE'S RENEWED PETITION

Fusaco IP, Sarl, the assignee of the entire right, title, and interest in the above-identified patent application, renews its petition to make application for patent itself pursuant to 37 C.F.R. § 1.47(b) based on the accompanying Declaration for Utility Patent Application (37 C.F.R. § 1.63) By Assignee Pursuant To 35 U.S.C. § 118 And 37 C.F.R. § 1.47(b) (hereinafter "Assignee's Declaration") and Supplemental Declaration of David M. McConoughey in Support of Renewed Petition by Assignee Pursuant to 35 U.S.C. § 118 and 37 C.F.R. § 1.47(b) (hereinafter "Supplemental Declaration") and the previously submitted Petition by Assignee Pursuant to 35 U.S.C. § 118 and 37 C.F.R. § 1.47 and its accompanying papers, each of which is incorporated herein by reference.

Assignee, Fusaco IP, Sarl, respectfully requests reconsideration based on this Renewed Petition and the associated Assignee's Declaration and Supplemental Declaration in light of the previously presented petition and papers and the grant of the Assignee's petition.

### REMARKS

### THE DECISION ON PETITION

The Office in the Decision on Petition under 37 CFR 1.47(b) of April 30, 2007 set forth six (6) conditions for the grant of a petition under 37 C.F.R. § 1.47(b) as follows:

1. the requisite petition fee;
2. factual proof that the inventor refuses to execute the application;
3. a statement of the last known address of the inventor;
4. an oath or declaration by the 37 C.F.R. § 1.47(b) applicant on behalf of and as agent for the non-signing inventor;

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5. proof that the 37 C.F.R. § 1.47(b) applicant has sufficient proprietary interest in the application; and
6. a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage.

The Office determined that the 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl, had satisfied items 1., 3., and 6. The 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl, submits that it has satisfied the remaining requirements items 2., 4., and 5.

## **RESPONSE**

### **The Inventor's Refusal to Sign the Application.**

The Supplemental Declaration sets forth that, subsequent to the inventor's lawyer, Daniel J. O'Connor, indication that he would "see what he could do with respect to the execution of the declaration by the inventor", lawyers for the inventor, Daniel J. O'Connor and Edward K. Runyon, and the undersigned legal counsel for the 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl, communicated repeatedly attempting to obtain the inventor's execution of the declaration and have not received a response from the inventor, despite even efforts by the inventor's legal counsel.

Most recently, on or about August 31, 2007 legal counsel for Fusaco IP, Sarl, initiated a further series of telephone conversations with Mr. Runyon, the explicit purpose of which, inter alia, was the execution of the declaration by the inventor. In a telephone conversation with Mr. Runyon on September 4, 2007, he undertook to attempt to schedule a conference call with the inventor involving, inter alia, the execution of the declaration by the inventor. In a telephone conversation with Mr. Runyon on October 3, 2007, he indicated that the inventor had not

responded to him at all. On October 11, 2007, legal counsel for Fusaco IP, Sarl, sent an email message to Mr. Runyon requesting the inventor to execute an attached Inventor's Declaration. (A copy of that email and its attached Inventor's Declaration is attached to the Supplemental Declaration as Exhibit A.) It is counsel's understanding from telephone conversations with Mr. Runyon that that request and accompanying declaration were communicated to the inventor. Legal counsel for Fusaco IP, Sarl, has subsequently spoken to Mr. Runyon on October 26 and 29, 2007 and been told that he has received no response from the inventor of any kind.

More than a year has elapsed since counsel for Fusaco IP, Sarl, sent the inventor a letter on September 29, 2006 requesting him to execute the enclosed Inventor's Declaration for the present application and enclosing the declaration and a copy of the application. The inventor has never responded to that request by executing the enclosed declaration.

To date, Fusaco IP, Sarl has received no response or information from the inventor, Eduardo Diaz Del Rio Perez (or his legal counsel) indicating in any way that the inventor was willing to execute the declaration.

It is clear that the inventor refuses to execute the declaration, persists in that refusal, and in fact has totally ceased to communicate (even with his own counsel -- in any respect.)

Applicant. Fusaco IP, Sarl, submits that it is blatantly clear that the inventor, Eduardo Diaz Del Rio Perez, refuses to execute the declaration and that Applicant. Fusaco IP, Sarl, has undertaken exceptional effort to secure execution of the declaration.

**The Declaration By The 37 C.F.R. § 1.47(b) Applicant On Behalf Of And As Agent For The Non-Signing Inventor.**

Accompanying this Renewed Petition is Assignee's Declaration which complies with the requirements of 37 C.F.R. § 1.497(a) and (b) and 1.47(b). The Assignee's Declaration is executed on behalf of the nonsigning inventor (Assignee Declaration, ¶ 5) and identifies the 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl (Assignee Declaration, ¶ 4). The Assignee Declaration states the full name, residence, post office address, and citizenship of the nonsigning inventor (Assignee Declaration, ¶ 6). The Assignee Declaration also states the title of the person signing on behalf of the 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl, (Assignee Declaration, ¶ 2) and the relationship of the 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl, to the nonsigning inventor (Assignee Declaration, ¶ 3) as required by 37 C.F.R. § 1.64.

**Proof of Proprietary Interest.**

The Office asserts

The assignment is defective to prove the proprietary interest because the assignment does not identify the U.S. application at issue, but identifies provisional priority application. Applicant does not demonstrate how this agreement is directed to the above-referenced application.

The 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl, respectfully traverses this assertion and conclusion because the present application (International Application No. PCT/IB04/01539) was automatically assigned to Fusaco IP, Sarl, by operation of the explicit language of the Assignment (attached as Exhibit 2 to the previously submitted Petition) for at least the following reasons:

1. the Invention disclosed and claimed in the provisional priority application (U.S. Patent Application Ser. No. 60/463,763) and assigned by the Assignment is the same invention

identically disclosed and claimed in the present application (International Application No. PCT/IB04/01539); and

2. the present application (International Application No. PCT/IB04/01539) is an explicit continuation of the provisional patent application (U.S. Patent Application Ser. No. 60/463,763) which the Assignment explicitly assigned.

**The Same Invention.**

The Office recognizes that the Assignment relates to the provisional patent application (U.S. Patent Application Ser. No. 60/463,763) (Decision, pg. 3, "The assignment is ... identifies provisional priority application." *See also*, Exhibit 2, top margin.)

The present application (International Application No. PCT/IB04/01539) is identical to the provisional priority application (U.S. Patent Application Ser. No. 60/463,763), except that the present application refers to the provisional priority application on page 1 and introduces the claims with "What is claimed is:". (Declaration of David M. McConoughey ... , ¶ 2.) Hence, the disclosure of the present application (International Application No. PCT/IB04/01539) is identical to the disclosure of the provisional priority application (U.S. Patent Application Ser. No. 60/463,763.) Further, the provisional priority application concludes with claims. Hence, the identity between the two applications extends to the claims and the disclosure and claims of the present application (International Application No. PCT/IB04/01539) are identical to the provisional priority application (U.S. Patent Application Ser. No. 60/463,763.) Therefore, the Invention of the present application is the same Invention as the provisional priority application. The Assignment explicitly states "I [the inventor] hereby assign, sell and transfer a 100% undivided interest in said invention [of the provisional priority application] ... ."

Continuation.

The Assignment also explicitly states "I [the inventor] hereby assign, sell and transfer a 100% undivided interest in said invention [of the provisional priority application], said application [the provisional priority application], including any divisions, continuations, and continuations in part thereof ... ." (Emphasis supplied.) The reference on page 1 of the present application to the provisional priority application states

"The benefit of U.S. Patent Application Serial No. 60/463763, filed 18 April 2003, is claimed. This application is a continuation of U.S. Patent Application Serial No. 60/463763, filed 18 April 2003.

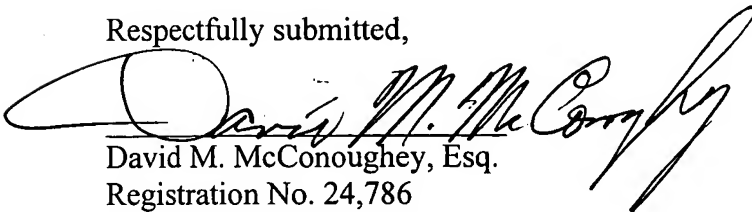
(Emphasis supplied.)

Hence, as a continuation of the provisional priority application, the present application was automatically assigned to Fusaco IP, Sarl, by operation of the explicit language of the Assignment.

**CONCLUSION**

In view of at least the foregoing remarks, accompanying submissions, and the prior submissions, the 37 C.F.R. § 1.47(b) Applicant, Fusaco IP, Sarl, respectfully requests reconsideration of the petition under 37 C.F.R. § 1.47(b) and its grant.

Respectfully submitted,



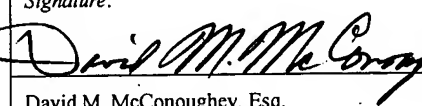
David M. McConoughey, Esq.  
Registration No. 24,786  
350 Fifth Ave Ste 4710  
New York, NY 10118-4710  
Tel: 212.268.1530



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,663	04/16/2004	DIAZ DEL RIO PEREZ, Ed.	576391-2003	3780

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Signature: 
David M. McConoughey, Esq. Registration No. 24,786
Express Mail Label No. <b>EB358984261</b>

**DECLARATION FOR UTILITY PATENT APPLICATION**  
**(37 C.F.R. § 1.63)**  
**BY ASSIGNEE**  
**PURSUANT TO**  
**35 U.S.C. § 118 AND 37 C.F.R. § 1.47(b)**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration  
Submitted  
With Initial  
Filing

OR

☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)

Attorney Docket  
Number

576391-2003

First Named Inventor

DIAZ DEL RIO PEREZ, Eduardo

## COMPLETE IF KNOWN

Application Number

10/553,663

Filing Date

04/16/2004 (Int'l)

Art Unit

N.A.

Examiner Name

N.A.

### I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Explosion-inhibiting Articles of Manufacture

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY)

04/16/2004

as United States Application Number or PCT International

Application Number

PCT/IB04/01539

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/IB04/01539	IB	04/16/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 24]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to: <input type="checkbox"/> The address associated with Customer Number: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 20px; vertical-align: middle;"></span>		OR <input checked="" type="checkbox"/> Correspondence address below	
Name David M. McConoughey, Esq.			
Address 350 Fifth Ave Ste 4710			
City New York	State New York	ZIP 10118-4710	
Country US	Telephone 212.268.1530	Email	
<p style="text-align: center;"><b>WARNING:</b></p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>			
<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any]) Eduardo		Family Name or Surname Diaz Del Rio Perez	
Inventor's Signature			Date October __, 2007
Residence: City Madrid	State ---	Country Spain	Citizenship Spain
Mailing Address Calle Caleruega No. 3			
City Madrid	State ---	Zip E-28033	Country Spain
<input type="checkbox"/> Additional inventors or a legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.			

I hereby declare that:

1. Fusaco IP, Sarl, is a limited liability company organized and existing under the laws of Switzerland and has a mailing address of p,a, DEV, 2, Avenue de Gratta-Paille, Casa Postale 452, 1000 Lausanne 30, Switzerland.
2. I am the Managing Director of Fusaco IP, Sarl.
3. Fusaco IP, Sarl is the assignee from the inventor, Eduardo Del Rio Perez, (as assignor) of a 100% undivided interest in the Invention disclosed and claimed in International Application No. PCT/IB04/01539, April 16, 2004, and its priority application U.S. Patent Application Serial No. 60/463,763, filed April 18, 2003.
4. Fusaco IP, Sarl is the 37 C.F.R. § 1.47(b) applicant in the above-identified application because the inventor, Eduardo Del Rio Perez, refuses to sign the application.
5. I make this Declaration on behalf Fusaco IP, Sarl, and Fusaco IP, Sarl, in turn, makes this Declaration on behalf of and as agent for Eduardo Del Rio Perez as inventor of the Invention disclosed and claimed in International Application No. PCT/IB04/01539, April 16, 2004, and its priority application U.S. Patent Application Serial No. 60/463,763, filed April 18, 2003 and for which a patent is sought.
6. The inventor's residence, mailing address, and citizenship are
  - a. Residence and mailing address:  
  
Eduardo Diaz Del Rio Perez  
  
Calle/Caleruega No. 3  
  
28033 Madrid  
  
Spain.

b. Citizenship: Spain.

7. I believe the inventor named to be the original and first inventor of the subject matter disclosed and claimed in International Application No. PCT/IB04/01539, April 16, 2004, and its priority application U.S. Patent Application Serial No. 60/463,763, filed April 18, 2003 and for which a patent is sought.
8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: October 30, 2007

Fusaco IP, Sarl

By 

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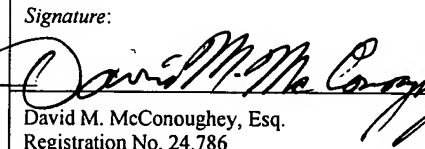
Stefan P. Broinowski

Its Managing Director

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<i>Signature:</i>  David M. McConoughey, Esq. Registration No. 24,786
Express Mail Label No. EB358984261

**SUPPLEMENTARY DECLARATION  
OF  
DAVID M. McCONOUGHY  
IN SUPPORT OF  
RENEWED PETITION  
BY ASSIGNEE PURSUANT TO 35 U.S.C. § 118 AND 37 C.F.R. § 1.47(b)**

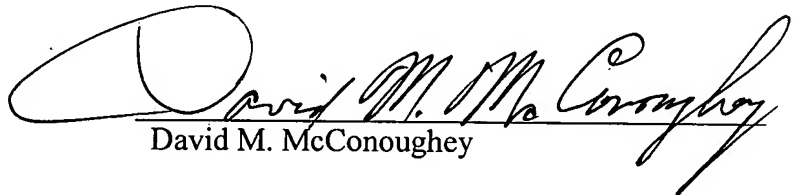
David M. McConoughey hereby declares that:

1. I am the same individual as executed the Declaration of David M. McConoughey in Support of Petition by Assignee Pursuant to 35 U.S.C. § 118 and 37 C.F.R. § 1.47 in the above-identified matter, said Declaration being incorporated herein by reference.
2. Subsequent to the telephone conversation referred to in my prior Declaration, Messrs. Daniel J. O'Connor and Edward K. Runyon as legal counsel for the inventor, Eduardo Diaz Del Rio Perez, and I had telephone conversations through November 2006 into February 2007 requesting the execution of the declaration by the inventor. In February 2007 counsel for the inventor undertook to initiate the scheduling of a conference call to include the inventor and a representative of the 37 C.F.R. § 1.47 Applicant, Fusaco IP, Sarl to discuss, inter alia, the inventor's execution of the declaration. That conference call did not occur and communications were temporarily suspended.
3. On or about August 31, 2007 I initiated a further series of telephone conversations, the explicit purpose of which was, inter alia, the execution of the declaration by the inventor.
4. In a telephone conversation with Mr. Runyon on September 4, 2007, he undertook to attempt to schedule a conference call with the inventor involving, inter alia, the execution of the declaration by the inventor.
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7. I have subsequently spoken to Mr. Runyon on October 26 and 29, 2007 and been told that he has received no response from the inventor of any kind.
8. To date I have received no response or information from the inventor, Eduardo Diaz Del Rio Perez, or his legal counsel indicating in any way that the inventor was willing to execute the declaration.
9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: October 30, 2007

  
David M. McConoughey



**EXHIBIT A**

## FUSACO IP, Sarl: US Pat Appln Ser No10/553663 - Inventor's Declaration

---

**From:** "David M. McConoughey" <dmccnou@ix.netcom.com>  
**To:** Edward K Runyan  
**Cc:** "Daniel J. O'Connor" <Daniel.J.O'Connor@bakernet.com>  
**Subject:** FUSACO IP, Sarl: US Pat Appln Ser No10/553663 - Inventor's Declaration  
**Date:** Oct 11, 2007 12:49 PM  
**Attachments:** [sb0001 filled20071010.pdf](#)

---

Dear Ed:

Following up on our telephone conversation, on behalf of our client FUSACO IP, Sarl, we request that your client, Eduardo Diaz del Rio Perez (the inventor identified in the above-identified U.S. patent application) execute the enclosed Inventor's Declaration.

We request a response, i.e., either by way of receipt of the executed declaration or by notice of Sr. Diaz del Rio Perez's refusal to execute the declaration, by Tuesday, October 23rd so that we can prepare and file the appropriate papers in the U.S. Patent and Trademark Office in a timely fashion.

We request that you inform Sr. Diaz del Rio Perez that, in the event that he refuses to sign the declaration and that the pending U.S. patent application becomes abandoned as a consequence, FUSACO IP, Sarl (in which he has a financial interest) will suffer the loss of the patent application and associated economic loss.

Sincerely,

Dave

David M. McConoughey, Esq.  
Suite 4710  
Empire State Building  
350 Fifth Avenue  
New York, NY 10118-4710  
Telephone: 212.268.1530

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐Declaration  
Submitted  
With Initial  
Filing

OR

☒Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16 (e))  
required)Attorney Docket  
Number

576391-2003

First Named Inventor

DIAZ DEL RIO PEREZ, Eduardo

**COMPLETE IF KNOWN**

Application Number

10/553,663

Filing Date

04/16/2004 (Int'l)

Art Unit

N.A.

Examiner Name

N.A.

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Explosion-inhibiting Articles of Manufacture

(Title of the Invention)

the specification of which

☐

is attached hereto

OR

☒

was filed on (MM/DD/YYYY)

04/16/2004

as United States Application Number or PCT International

Application Number

PCT/IB04/01539

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/IB04/01539	IB	04/16/2004	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**DECLARATION — Utility or Design Patent Application**Direct all  
correspondence to:☐The address  
associated with  
Customer Number:

OR

☒Correspondence  
address below

Name

David M. McConoughey, Esq.

Address

350 Fifth Ave Ste 4710

City

New York

State

New York

ZIP

10118-4710

Country

US

Telephone

212.268.1530

Email

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:**☐

A petition has been filed for this unsigned inventor

Given Name (first and middle [if any])

Eduardo

Family Name or Surname

Diaz Del Rio Perez

Inventor's Signature

Date

October \_\_, 2007

Residence: City

Madrid

State

---

Country

Spain

Citizenship

Spain

Mailing Address

Calle Caleruega No. 3

City

Madrid

State

---

Zip

E-28033

Country

Spain

☐

Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

## Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is

referenced by either a published application, an application open to public inspection or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket Number (Optional)	
FY 2008 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		576391-2003	
Application Number <u>10/553,663</u>		Filed <u>04/16/2004</u>	
For <u>EXPLOSION-INHIBITING ARTICLES OF MANUFACTURE</u>			
Art Unit <u>N.A.</u>		Examiner <u>N.A.</u>	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$460	\$230	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1050	\$525	\$ _____
<input checked="" type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1640	\$820	\$ <u>820.00</u>
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2230	\$1115	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number \_\_\_\_\_. I have enclosed a duplicate copy of this sheet.

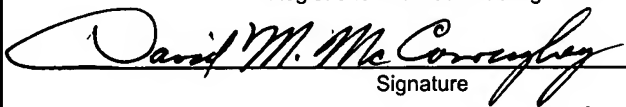
**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 24,786

☐ attorney or agent under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

  
 Signature

10/29/2007  
 Date

DAVID M. McCONOUGHHEY  
 Typed or printed name

212.268.1530  
 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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